

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NINA KING and BRIANNA ALVAREZ,
individually and on behalf of all other similarly
situated,

Plaintiffs,

Case No. 22-cv-3385 (JGK)

-against-

WHITE HOUSE BLACK MARKET, INC.,

Defendant.

**DECLARATION OF ADAM S. GROSS, ESQ. IN
SUPPORT OF DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

I, Adam S. Gross, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. Section 1746, declare that the following statements are true and correct:

1. I am admitted to practice law in the State of New York and a member in good standing in this Southern District of New York. I am a Principal in the firm of Jackson Lewis P.C. and represent the Defendant in this case. I have personal knowledge of the facts set forth herein. I am providing this Declaration in support of Defendant’s Motion to Dismiss Plaintiff’s Complaint.

2. Attached as Exhibit 1 are print-outs of portions of the New York State Department of Labor website describing violations of the New York Labor law.

3. Attached as Exhibit 2 is the New York State Department of Labor Complaint Form.

4. Attached as Exhibit 3 is a document entitled, New York State Department of Labor “Guidelines – Civil Penalties for Labor Law Violations.”

5. Attached as Exhibit 4 is a New York State Department of Labor Opinion Letter dated May 8, 2007.

6. Attached as Exhibit 5 is L. 1890, ch. 388.
7. Attached as Exhibit 6 is L. 1897, ch. 415.
8. Attached as Exhibit 7 is L. 1908, ch. 442.
9. Attached as Exhibit 8 is L. 1921 , ch. 50.
10. Attached as Exhibit 9 is L. 1935, ch. 619.
11. Attached as Exhibit 10 is the Mem. In Support of L. 1966, ch. 548.
12. Attached as Exhibit 11 is L. 1966, ch. 548.
13. Attached as Exhibit 12 is L. 1987, ch. 404.
14. Attached as Exhibit 13 is L. 1989, ch. 38.
15. Attached as Exhibit 14 is L. 1993, ch. 168.
16. Attached as Exhibit 15 is L. 2007, ch. 304.
17. Attached as Exhibit 16 is L. 2002, ch. 427.
18. Attached as Exhibit 17 is the Budget Report contained in the Bill Jacket for L. 1980, ch. 697.
19. Attached as Exhibit 18 is the Memorandum of Commissioner of Labor contained in the Bill Jacket for L. 1987, ch. 417.
20. Attached as Exhibit 19 is L. 1937, ch. 500.
21. Attached as Exhibit 20 is the letter from the Legal Aid Committee of the Ass'n of the Bar of the City of New York, contained in the Bill Jacket for L. 1937, ch. 500.
22. Attached as Exhibit 21 is Supplemental Report No. 340 contained in the Bill Jacket for L. 1937, ch. 500.
23. Attached as Exhibit 22 is L. 1997, ch. 605.

24. Attached as Exhibit 23 is the Governor's Memorandum in Support of L. 1997, ch. 605.

25. Attached as Exhibit 24 is L. 2010, ch. 564.

26. Attached as Exhibit 25 is the Commissioner of Labor's Memorandum contained in the Bill Jacket for L. 2010, ch. 564.

27. Attached as Exhibit 26 is L. 2021, c. 397.

28. Attached as Exhibit 27 is the brief of Amici Curiae the Retail Litigation Center, Inc., the Chamber of Commerce of the United States of America, the National Federation of Independent Business Small Business Legal Center, The National Retail Federation, The Restaurant Law Center, the New York State Restaurant Association, the Business Council of New York State, and the Business Council of Westchester filed in *Mabe v. Wal-Mart*, Case No. 20-00591 (N.D.N.Y. April 28, 2022) in support of Defendant's Motion to Certify the Court's March 24, 2022 Order for Interlocutory Appeal.

29. Attached as Exhibit 28 is the brief of Amici Curiae Retail Litigation Center, Inc., the Chamber of Commerce of the United States of America, the National Federation of Independent Business Small Business Legal Center, The National Retail Federation, The Restaurant Law Center, the New York State Restaurant Association, the Business Council of New York State, and the Business Council of Westchester filed in *Grant v. Global Aircraft Dispatch, Inc.*, Case No. 2021-03202 pending in the Supreme Court of New York, Appellate Division, Second Department.

Dated: August 5, 2022
New York, New York

/s Adam S. Gross
Adam S. Gross